

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JUNE 18, 2018**

ROLL CALL:

Members Present: Eric Prause, Chairman
Andy Kidd, Vice Chairman
Michael Stebe, Secretary
Timothy Bergin

Alternate Member Sitting: Patrick Kennedy

Alternates: Julian Stoppelman
Teresa Ike

Absent: Jessica Scorso

Also Present: Gary Anderson, Director of Planning
Matthew Bordeaux, Acting Senior Planner
Nancy Martel, Recording Secretary

The Chairman opened the public hearing at 7:03 P.M. The Secretary read the legal notice when the call was made.

ASSOCIATION OF MUSLIM COMMUNITY (AMC) – Request a zone change from Central Business District to Residence B zone at 35 Oak Street and 50 Cottage Street. – Zone Change (2018-036)

Mr. Anwar Hussein, a retired architect and volunteer for the Association Muslim Community (AMC), introduced himself. Mr. Hussein reminded the Commission of a previous meeting in which he had indicated why the growing Muslim community in Manchester needed a larger building. He explained the Muslims in Manchester are planting their roots in the community as residents, business owners and taxpayers. Mr. Hussein noted Manchester lacks a good-sized house of worship. The current house of worship does not have adequate space for religious education for children, community outreach programs, interfaith dialog opportunities, and social events. He reported that the building represented in this application would give the AMC the freedom to provide the needed services. If the zone change is granted, Mr. Hussein stated, there will be no impact on the character or appearance of the neighborhood. There is no plan for any exterior changes to the building or the site, he explained. If the application is granted, according to Mr. Hussein, the area will have the same feeling as it has currently. Mr. Hussein reported the AMC has been a good neighbor in its location for many years and he assured the Commission that would remain the same at the proposed location.

Mr. Prause asked for clarification where the AMC is currently located.

Mr. Hussein demonstrated the area on the plan, pointing out the new building as well as the parking area and stating there will be no changes to the parking lot or the building.

Mr. Stebe requested clarification that it is a single building with two street numbers, which Mr. Hussein confirmed. Mr. Stebe questioned whether the building was previously a Key Bank.

Mr. Hussein stated that the last occupant was the bank.

Mr. Stebe reported that, as part of its review of a zone change application, the Commission must consider how the proposal would fit the neighborhood character. He questioned how the building would fit into the residential area.

Mr. Hussein responded there will be no change, as they are essentially moving from the current building into the new building, and utilizing the current building for the Imam residence. Therefore, he noted, the building will not remain empty. He reported that the new building will not be filled immediately, so there is opportunity for future growth.

Mr. Prause questioned Mr. Hussein about the surrounding zoning in the area. He asked if there were other existing Residence B zones in the area.

Pointing to the proposed plan, Mr. Hussein indicated the Residence B zoned area.

Mr. Prause noted that a special exception would be required for a place of worship.

Mr. Hussein explained that the applicant is aware of that requirement.

Mr. Prause reiterated that Residence B zoning would allow residences of certain sizes, two-family houses, and many other uses.

Mr. Hussein stated that many times the words “zone change” are intimidating. However, the AMC believes this proposal will allow a growing community worshipping next to the proposed building to make no changes to the building and the character of the neighborhood will remain exactly the same.

Mr. Bordeaux noted there are no outstanding Staff comments. He reminded the Commission that the decision before them was the zone change application. Should the Commission decide to approve the zone change, the applicant would be required to apply for a special exception to use the property for a house of worship.

Mr. Stebe asked Mr. Bordeaux whether the special exception use would be due to the expansion into the 50 Cottage Street/35 Oak Street building. The applicant’s current location has the special exception approval and is the same entity, but the proposed building is a different property, he said.

Mr. Bordeaux noted that the current property, which is north of the current subject of the zone change application, has the special exception approval for the occupation of only that site as a house of worship.

Ms. Tana Parseliti, Downtown Manager of the Special Services District, introduced herself and read a letter provided by the Special Services District Board of Commissioners:

Dear Mr. Prause:

In 2003, the Downtown Manchester Special Services District (DMSSD) championed a series of revisions to the Central Business District (CBD) zone regulations. Among the requested amendments was the elimination of new places of worship as a permitted use in the zone. The DMSSD supported this zone change for several specific reasons:

- To preserve the commercial identity of the downtown.
- Promote pedestrian activity.
- Retain and grow the tax base.

Over the intervening 15 years, the reasoning that caused us to support the zone change has not altered. A recent Downtown Manchester Strategic Planning Workshop reaffirmed the need to buttress the commercial fabric of the downtown. The ongoing vitality of the district is still dependent on a concentration of specialty retail, office, service, and residential uses to produce a vibrant mix of activities on the street and provide for successful business enterprises.

The DMSSD Board of Commissioners requests that the Planning and Zoning Commission not approve the application for a change of zoning district for 35 Oak Street and 50 Cottage Street from CBD zone to Residence B zone for the reasons stated above. Further, we believe the Planning and Zoning Commission would be setting a precedent by removing a property from a zoning district in order to allow it to conduct a non-permitted use. If approved, what will prevent other property owners from requesting that their property may be moved to an abutting zoning district to allow for a non-permitted use? This may result in a nibbling away of the District, weakening its tax base and commercial identity. The properties at 35 Oak Street and 50 Cottage Street have enjoyed a history of successful commercial use, and, as currently zoned, remain a valuable opportunity for owners interested in that type of endeavor. Removing the properties from the District tax rolls will lessen the DMSSD and Town tax base while increasing the burden on other property owners within the district. Further, we believe it may diminish the ability of the DMSSD to fund and carry out routine maintenance as well as future improvements and plans.

The decision by the DMSSD Board of Commissioners not to support the change of zone request was not an easy one. The Commissioners empathize with the desire of the applicant to serve its worthy mission and expand its outreach to the neighborhood. Nonetheless, we believe that retaining 35 Oak Street and 50 Cottage Street as a part of the CBD zone serves the best interest of the Central Business District as a whole.

Mr. Vinny Quast, a property owner at the Watkins Centre as well as the owner of a business downtown, introduced himself. He noted he is also a Commissioner with the Downtown Manchester Special Services District. Mr. Quast reported he has concerns about allowing a zone change because the building is actually an office building. He explained he is a supporter of bringing companies to downtown Manchester, especially technology companies. The future for downtown Manchester is to bring foot traffic to support all the restaurants and retail, and that foot traffic can be generated by attracting companies with employees who will spend their lunch time in the area. It is also his belief, he stated, that the 2003 amendment prohibiting houses of

worship from expanding may cause other houses of worship to be at a disadvantage. Mr. Quast noted that there are about 19 houses of worship available for sale in Connecticut that remain empty. As a property owner in the district, he is concerned that other property owners downtown will have to carry the tax burden as the proposed property will not have to pay any taxes.

Mr. Hussein suggested that the Town look at the broader picture. He stated the applicant understands all the stated concerns. Noting that Manchester is a diverse community, he said it is the applicant's desire that for the overall picture, as well as for the greater vision of the Town, the application should be considered.

Mr. Stoppelman, acknowledging the statement that approval of the application would set a precedent, stated it is not his opinion that this would set a precedent, noting it is definitely not a legal precedent. He explained that the Commission is interested in the best use of the property and the best use of the area.

MOTION: Mr. Kennedy moved to close the public hearing on this application. Mr. Bergin seconded the motion and all members voted in favor.

PLAZA AT BUCKLAND HILLS, LLC. – Resubdivision to create two parcels for outbuildings out of the Plaza at Buckland Hills shopping center at 1524 Pleasant Valley Road (a.k.a. 1448 Pleasant Valley Road), resulting in three lots. – Resubdivision (2018-047)

Attorney Steve Penny, an attorney practicing in Manchester, introduced himself. Attorney Penny explained he is representing the applicant, Plaza at Buckland Hills, LLC. The request is for a two-lot commercial resubdivision to separate two outparcels from the main shopping center parcel at the Plaza at Buckland Hills shopping center, according to Attorney Penny. He presented the plan, detailing the subject parcels. The address of the main part of the shopping center is 1448 Pleasant Valley Road, Attorney Penny explained. The entire shopping center is currently 29.5 acres in size, and these two parcels would be the 5th and 6th outparcels to be separated from the original shopping center parcel since its initial development in 1994. Attorney Penny reported that the property is bounded northerly by two undeveloped parcels of land in South Windsor. Of those properties, one has frontage on Wheeler Road and the other sits behind houses on Smith Street; neither is developed and both are owned by the parent company of the Plaza at Buckland Hills, LLC. The property is also bounded by Buckland Street on the east, across from which is Lowe's; southerly is Pleasant Valley Road, across from which is a restaurant and the J. C. Penney Catalog Distribution Center. Westerly, according to Attorney Penny, the property is bounded by other commercially-developed land in South Windsor, the Hampton Inn and Suites. The subject property is zoned General Business, as is the land south of Pleasant Valley Road, other than J. C. Penney, which is zoned Industrial.

Attorney Penny reported that the shopping center site at 1448 Pleasant Valley Road is the Plaza at Buckland Hills. The outparcel at 1524 is currently a Taco Bell restaurant and will remain so; the parcel at 1550 Pleasant Valley Road is occupied, and has been for many years, by an Olive Garden restaurant, which would also be retained. Public water and sewer are already in place at the three sites affected by this application, according to Attorney Penny. The three affected properties are all currently owned by the applicant, stated Attorney Penny, and a copy of the applicant's deed is in the Planning Department file. He noted there are no wetlands or water courses on the three sites.

Attorney Penny gave a brief and broad overview of the subdivision. The applicant is seeking a resubdivision approval to divide two outparcels from the shopping center site, which will be the fifth and sixth outparcels conveyed out for ownership by a third party. Both outparcels would have frontage on Pleasant Valley Road. There is no length of frontage requirement in the General Business zone, and the parcels could actually have been as little as one foot on Pleasant Valley Road, according to Attorney Penny, and that would have qualified as frontage. All three lots meet the dimensional requirements of the regulations for the General Business zone – there is no minimum lot area, no side yard setback and no rear yard setback requirement in the regulations. Attorney Penny noted the exception is the 25 ft. front yard setback requirement, and that is met in both instances, these buildings having been in place for some time now. He explained that no physical changes are being made to the three parcels or to the structures that are currently located on them as a result of the resubdivision proposal, and no construction activity is required.

In addition to the parking spaces shown on each of the two outparcels, stated Attorney Penny, 37 for Taco Bell and 41 spaces for the Olive Garden restaurant, both parcels will be conveyed subject to cross-easements for access, parking and utilities such that the outparcel owners will have non-exclusive rights to the access, parking and utilities on the shopping center site. The shopping center owner, he explained, will have similar rights with respect to the outparcels. This circumstance, according to Attorney Penny, is similar to what happened with respect to the prior four outparcels that were conveyed. He reported to the Chairman that he will make a part of the record copies of the draft cross easement documents for both the Olive Garden and the Taco Bell uses.

Mr. Andrew Bushnell, Licensed Professional Engineer and Land Surveyor with Bushnell Associates, introduced himself. Mr. Bushnell explained that his firm prepared the map projected. He noted there is access to the Plaza at Buckland Hills at the north end onto Buckland Street, which is a two-way in and out. He stated there is an entrance driveway to the west of the Taco Bell parcel and there is another access driveway further down on Pleasant Valley Road. There are no proposed changes to egress or ingress to the site, he noted. Mr. Bushnell stated there are no anticipated changes in traffic.

Regarding utilities, reported Mr. Bushnell, all sites are served by Town of Manchester water and sewer, which comes from Pleasant Valley Road. Sewer directly feeds out to Pleasant Valley Road; water is provided by an interior water main, according to Mr. Bushnell. There has been a note added to the plan at the request of the Engineering Department stating that anything inside the plaza is privately owned and maintenance is the responsibility of the owners, not the Town of Manchester. Mr. Bushnell reported there is no anticipated increase in demand for utilities. He explained that there is a series of catch basins on the subject parcels that discharge into a main storm line coming down along the plaza that drains the entire area, which will be part of the blanket easement which will cover all parties for any future problems that arise. Mr. Bushnell reiterated the parking plans for the sites.

Attorney Penny noted there are no outstanding Staff comments which would preclude an approval. The project design is already in place and meets all the criteria of the zoning and subdivision regulations. The use of the two outparcels and the proposed lot configurations are compatible with the lots and uses in this large commercial area. He stated the proposal will not

adversely affect the character of the area and will also not adversely impact the roads, intersections or utilities in the area.

Mr. Bordeaux reported the application was referred to CRCOG, and the comment received was:

“The staff of the Regional Planning Commission of the Capital Region Council of Governments has reviewed the referral and finds no apparent conflict with regional plans or policies or concerns of neighboring towns.”

Mr. Bordeaux stated there are two outstanding comments from Staff:

Michelle Handfield, Assistant Town Engineer, sought clarity on the plans, specifically labeling Lots 5 and 6 on Sheet 1.

Ray Myette, Jr., Design Engineer, Water and Sewer Department, had several comments seeking additional notes, labels and the location of certain utilities.

MOTION: Mr. Kennedy moved to close the public hearing on this application. Mr. Bergin seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 7:38 P.M.

I certify these minutes were adopted on the following date:

July 16, 2018

Date

Eric Prause, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN
BE HEARD IN THE PLANNING DEPARTMENT.**